

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1643 OF 2006
IN
WRIT PETITION NO. 3037 OF 1999

1. The Chairman, Doodh
Sakhar Shikshan Prasarak
Mandal Bidri (Mauninagar)
Kolhapur & anr. .. Applicants

Vs.

1. The Vice Chancellor
Shivaji University & ors. .. Respondents

Mrs. P.V. Badadare for applicants.
Mr. R.S. Khadapkar h/f Mr. R.G. Ketkar for
respondent no.3.

CORAM: B.H. MARLAPALLE, J.

Date : July 07, 2006.

P.C.:

1. Heard Mrs. Badadare the learned counsel for the applicants who are the petitioners in Writ Petition No.3037 of 1999. The said petition was dismissed for non prosecution on 1/9/2005 and, therefore, this application has been filed belatedly for restoration of the same. As per the office note the application is beyond time by 270 days and though

there is a prayer for condonation of delay, there is no reason given in support of the same except to say that the Advocate concerned could not notice the board. The order dated 1/9/2005 specifically states that the petition came up for final hearing on 31/8/2005 when none appeared for the petitioners and even on the next date i.e. 1/9/2005 none appeared for the petitioners.

2. In any case the order impugned in the Writ Petition was an interlocutory order passed on 30/12/1998 directing the plaintiff to implead the Principal of the plaintiff's college and one Mrs. Jayashree Patil as the defendants. Regular Civil Suit No.277 of 1997 has been pending for trial.

3. In these obtaining circumstances, there is no reason to entertain this application by condoning the delay.

4. Civil Application is rejected.

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(B.H. Marlapalle, J.)